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REMARKS

Status Summary

Claims 1-11 are pending in the instant application and have been examined by the U.S. Patent and Trademark Office (hereinafter "the Patent Office").

Claims 1-11 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-11 also have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

Claim 1 has been amended herein to more particularly point out and distinctly claim the subject matter the applicants regard as the invention. Claims 2 and 4 have been canceled without prejudice in light of the amendment to Claim 1. Claims 3 and 5-9 have been amended to update their dependency from canceled Claim 2 to amended Claim 1. Therefore, upon entry of the Instant Amendment, Claims 1, 3, and 5-11 will be pending in the subject application. Reconsideration of the application as amended and based on the Remarks set forth herein is respectfully requested.

Interview Summary

Applicants conducted a Telephonic Interview with Examiner Taofiq A. Solola on November 7, 2005. Participating in the Telephonic Interview with Examiner Solola were applicants' attorney of record, Arles A. Taylor, Jr., attorney Jeffrey W. Childers, and technical specialist Amy L. Odenbaugh. Applicants sincerely appreciate Examiner Solola's time and consideration in agreeing to and participating in the Telephonic Interview.

During the Telephonic Interview, the outstanding rejections of Claims 1-11 under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 112, second paragraph, were discussed. Applicants reached an agreement with Examiner Solola that Claims 1-11 as currently amended were in condition for allowance. Applicants respectfully submit that the Amendments and Remarks presented herein are believed to be

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consistent with their understanding of the Examiner Solola's position as presented during the telephone interview.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claims 1-11 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Patent Office asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors were in possession of the claimed invention. More specifically, the Patent Office asserts that the specification fails to disclose that all known bis-aryl diamidoxime compounds, all amidoxime aryl halides, all 2,5-bis trialkyl stannanes, all aprotic solvents, and all palladium catalysts are embraced by the instant process. The Patent Office asserts that few examples are cited and only one working example is disclosed for each element. The Patent Office further asserts that applicants must claim only those amidoxime aryl halides, 2,5-bis trialkyl stannanes, aprotic solvents, and palladium catalysts that have support in the specification.

Without acquiescing to the Patent Office's basis for rejecting Claims 1-11, the subject matter of Claim 2, including the generalized structure of the presently disclosed bis-aryl diamidoxime compounds, now identified as "formula (I)" for clarity, has been incorporated in whole into Claim 1. Support for this amendment can be found throughout the specification as filed and in pending Claim 2. No new matter has been added. As a result of this amendment to Claim 1, pending Claim 2 has now been canceled.

Additionally, a generalized structure of an amidoxime aryl halide reagent suitable for use in the presently claimed method of preparing a bis-aryl diamidoxime compound has been incorporated into Claim 1. Support for this amendment can be found in pending Claim 3, which recites representative amidoxime aryl halide reagents. Additional support for this amendment can be found in Laboratory Example 1, on page 9, lines 21-27; Laboratory Example 3, on page 11, lines 1-6; and

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Laboratory Example 4, on page 11, lines 24-27, through page 12, lines 1-4, each of which provides particular species of amidoxime aryl halide reagents encompassed by the generalized structure presented in amended Claim 1. No new matter has been added.

Also, the subject matter of Claim 4 has been incorporated into Claim 1 through the addition of a generalized structure for the bis-trialkylstannane. Support for this amendment can be found in pending Claim 4. Additional support for the incorporation of the generalized structure for the bis-tri-alkylstannane into Claim 1 can be found on page 8, lines 30-31; in Laboratory Example 1, on page 9, line 26; in Laboratory Example 3, on page 11, line 5; and in Laboratory Example 4, on page 12, line 3, each of which disclose a representative species of a 2,5-bis-trialkylstannane, e.g., 2,5-bis (tri-n-butylstannyl)furan, which is encompassed by the generalized structure now incorporated into Claim 1. Applicants respectfully submit that one of ordinary skill in the art would recognize that a 2,5-bis-trialkylstannane having the structure now incorporated into amended Claim 1 could be used to prepare a bis-aryl diamidoxime compound of formula (I). No new matter has been added. As a result of this amendment, pending Claim 4 has been canceled. Thus, the Patent Office's rejection of Claim 4 under 35 U.S.C. § 112, first paragraph, has been rendered moot.

Accordingly, applicants believe that by amending Claim 1 to incorporate the amidoxime structure of formula (I) and its accompanying variable descriptions; the structure of the amidoxime aryl halide reagent and its accompanying variable descriptions; and the structure of the tri-alkylstannane reagent, Claim 1 now complies with the written description requirement under 35 U.S.C. § 112, first paragraph.

The Patent Office also asserts that the specification fails to disclose that all aprotic solvents are embraced by the instant process. See Official Action at page 2. To this end, the Patent Office suggests incorporating into Claim 1 the subject matter of Claim 6, which recites that the aprotic solvent is selected from the group consisting of dioxane and dimethylformamide.

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Initially, applicants respectfully submit that one of skill in the art would recognize that the term "aprotic solvent" encompasses solvents that cannot donate a proton. Applicants further submit that what is well known to one of ordinary skill in the art need not be disclosed in detail. See MPEP § 2163 (citing Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1384 (Fed. Cir. 1986)). Accordingly, applicants respectfully submit that the present application as filed discloses on page 7, lines 7-8, that the presently described method of preparing a bis-aryl diamidoxime compound of formula (I) as recited in Claim 1 relates in part to Stille chemistry. One of ordinary skill in the art after a review of the present disclosure would recognize that the Stille-type reactions disclosed in the present application can be performed in a variety of aprotic solvents. Applicants respectfully submit that one of ordinary skill in the art in view of what is known in the art and upon review of the description provided in the present application, would recognize which aprotic solvents are suitable for use with the presently disclosed process of preparing a bis-aryl diamidoxime compound of formula (I) as recited in Claim 1. Therefore, applicants respectfully submit that incorporating into Claim 1 the subject matter recited in Claim 6 is not necessitated by the 35 U. S. C. § 112, first paragraph, written description requirement.

The Patent Office also asserts that the specification fails to disclose that all palladium catalysts are embraced by the instant process. See Official Action at page 2. To this end, the Patent Office suggests incorporating into Claim 1 the subject matter of Claim 7. As provided immediately hereinabove, one of ordinary skill in the art after review of the present disclosure would recognize that the presently described method of preparing a bis-aryl diamidoxime compound of formula (I) as recited in Claim 1 relates in part to Stille chemistry. Applicants respectfully submit that one of ordinary skill in the art would recognize that Stille chemistry, including the Stille-type reactions disclosed in the present application, involves a palladium-catalyzed reaction between an organostannane and an organic halide. One of ordinary skill in the art also would recognize that a variety of palladium catalysts suitable for Stille-type reactions are commercially available. Thus, applicants

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respectfully submit that the application as filed in view of what is known by one of ordinary skill in the art satisfies 35 U. S. C. §112, first paragraph, written description requirement. Therefore, applicants respectfully submit that the Incorporation of Claim 7 into Claim 1 is not necessitated by 35 U. S. C. §112, first paragraph.

Thus, applicants respectfully submit that Claim 1 as presently amended complies with the written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, applicants respectfully submit that Claim 1 is in condition for allowance and respectfully request the same. Further, because Claim 1 is now believed to be in condition for allowance, Claims 3, and 5-11, which depend from Claim 1, also are now believed to be in condition for allowance. Accordingly, withdrawal of the rejection of pending Claims 1, 3, and 5-11 under 35 U.S.C. § 112, first paragraph, is therefore respectfully requested. Allowance of Claims 1, 3, and 5-11 also is respectfully requested.

Claim Rejection - 35 U.S.C. § 112, Second Paragraph

Claims 1-11 have been rejected under 35 U.S.C. § 112, second paragraph, as being Indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. In particular, the Patent Office asserts that the term "comprises" in Claim 2 renders the claim indefinite. Furthermore, the Patent Office asserts that Claim 1 fails to define bis-aryl compounds, amidoxime aryl halides, and 2,5-bis trialkylstannanes, or to identify aprotic solvents and palladium catalysts in such a way as to determine the metes and bounds of claims 1-11. The Patent Office also asserts that Claim 4 is confusing due to the use of the term "comprise."

Initially, applicants respectfully submit that Claims 2 and 4 have been canceled. Accordingly, applicants submit that the rejection of Claims 2 and 4 for indefiniteness under 35 U.S.C. § 112, second paragraph, is now rendered moot. Applicants respectfully request that the rejection of Claims 2 and 4 under 35 U.S.C. § 112, second paragraph, be withdrawn at this time.

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With regard to the rejection of Claim 1, applicants respectfully submit that the inclusion of the structures of the bis-aryl diamidoxime product, the amidoxime aryl halide reagent, and the bis-trialkylstannane reagent provides sufficient clarification to distinctly point out the subject matter regarded by the applicants as belonging to the presently disclosed subject matter as it relates to the terms "bis-aryl diamidoxime," "amidoxime aryl halide," and "bis-trialkylstannane."

Additionally, applicants respectfully submit that one of ordinary skill in the art after a review of the disclosure of the present application and in view of what is known by one of ordinary skill in the art with regard to Stille-type reactions could ascertain the metes and the bounds of the terms "aprotic solvent" and "palladium catalyst" as recited in Claim 1.

Accordingly, applicants believe that Claim 1 as presently amended meets the requirements of 35 U.S.C. § 112, second paragraph, with respect to the terms "bis-aryl diamidoxime compound," "amidoxime aryl halide," "2,5-bis trialkylstannane," "aprotic solvent," and "palladium catalyst," and respectfully request that the Patent Office's rejection of Claim 1 be withdrawn. Because Claim 1 is now believed to be in condition for allowance, applicants respectfully submit that dependent Claims 3 and 5-11 also are in condition for allowance and respectfully request that the Patent Office's rejections of Claims 3 and 5-11 under 35 U.S.C. § 112, second paragraph, be withdrawn and Claims 3 and 5-11 be allowed at this time.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426. Although it is believed that no additional fees beyond the fees associated with the two-month extension of time are due at this time, the Commissioner is further authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426 to avoid the unintentional abandonment of the instant application.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 11-08-2005

By:



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